IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.479 OF 2006

Sureshkumar Dhamija
Sole Proprietor
M/s. Suresh Enterprises ..Petitioner.
Vs.
Union of India & Ors. ..
Respondents.

...

Mr. R.V. Govilkar for the Petitioner.

CORAM: DR.D.Y.CHANDRACHUD, J.

10th April, 2006.

P.C. :

The application filed by the Petitioner under Section 14 of the Arbitration Act, 1940 came to be dismissed on the ground that it was barred by limitation. The arbitration admittedly is governed by the provisions of the Arbitration Act, 1940. The admitted facts are that the arbitrator passed an award on 13th March, 1989, a copy of which was received by the Petitioner on 16th March, 1989. An earlier application filed by the Petitioner for a decree in terms of the award was dismissed on 16th August, 1991 and thereupon a fresh suit came to be instituted on 15th October, 1992. Section 30 of the

Arbitration Act, 1940 provided that all the provisions of the Limitation Act apply to arbitrations as they apply to proceedings in Court. Article 119-A of Part 10 of the Schedule to the Limitation Act provides a period of limitation of 30 days for making of an application for the filing of an award in Court and time begins to run from the date of service of the notice of the making of the award. The Learned Trial Judge held that in any event, even if provisions of Article 119-A were not attracted, the application ought to have been filed within a period of three years under Article 137 and if so construed, the application was not within the period of limitation. There is no infirmity in the reasoning of the learned Trial Judge. The Petition is dismissed.